

**ASSEMBLY BILL**

**No. 1064**

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**Introduced by Assembly Member Cogdill**

February 22, 2005

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An act to amend and repeal Section 18552 of the Health and Safety Code, relating to mobilehome parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1064, as introduced, Cogdill. Mobilehome parks.

Existing law authorizes, until January 1, 2007, a mobilehome or cabana that is installed above 5,000 feet in elevation that does not have the capacity to resist the minimum snow loads established for residential buildings by local ordinance, to be installed only in a mobilehome park that has an approved snow load maintenance program, on the condition that the installation complies with all other applicable regulations and is approved by the enforcement agency. Existing law requires a conditional permit to operate subject to the snow roof load maintenance program to be obtained from the enforcement agency.

This bill would allow a manufactured home that does not have the capacity to resist the minimum snow load established for residential buildings by local ordinance to be installed above 5,000 feet in elevation if (1) it has the capacity to resist a roof live load of at least 80 pounds per square foot and the mobile home park where it is to be installed has an approved snow load maintenance program or (2) the manufactured home is protected by a ramada designed to resist minimum snow loads for the region.

The bill would allow a cabana to be installed in a mobilehome park above 5,000 feet in elevation only if it has the capacity to resist the

minimum snow load requirements established by local ordinance for residential buildings.

The bill would state the intent of the Legislature to require the revision of specified regulations that relate to minimum roof live load requirements for manufactured housing units installed at elevations above 5,000 feet and that regulations adopted by the Department of Housing and Community Development to implement and interpret the changes enacted by this bill be deemed editorial changes pursuant to the Administrative Procedure Act if those regulations are amendments, repeals, or adoptions that are substantially the same in content as the statutory changes enacted by this act.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18552 of the Health and Safety Code, as  
2 amended by Section 3 of Chapter 622 of the Statutes of 2004, is  
3 amended to read:

4 18552. (a) The department shall adopt and submit building  
5 standards for approval pursuant to Chapter 4 (commencing with  
6 Section 18935) of Part 2.5, and the department shall adopt other  
7 regulations for manufactured home or mobilehome accessory  
8 buildings or structures. The regulations adopted by the  
9 department shall provide for the construction, location, and use  
10 of manufactured home or mobilehome accessory buildings or  
11 structures to protect the health and safety of the occupants and  
12 the public, and shall be enforced by the appropriate enforcement  
13 agency.

14 (b) ~~Notwithstanding Sections 1338 and 1433~~ *Section 1338 of*  
15 *Title 25 of the California Code of Regulations, if a mobilehome*  
16 ~~or cabana that is a manufactured home may be installed above~~  
17 *5,000 feet in elevation at the option of the owner of the home and*  
18 *after approval by the park operator only if the installation is*  
19 *consistent with one of the following:*

20 (1) *If the manufactured home does not have the capacity to*  
21 *resist the minimum snow loads as established for residential*  
22 *buildings by local ordinance, then the home must have the*

1 capacity to resist a roof live load of at least 80 pounds per  
2 square foot and may only be installed in a mobilehome park that  
3 has and is operating an approved snow load maintenance  
4 program, ~~on the condition that the installation complies~~. The  
5 installation shall comply with all other applicable requirements  
6 of ~~these regulations~~ this part and the regulations adopted  
7 pursuant to this part and ~~is~~ shall be approved by the  
8 enforcement agency. ~~A conditional permit to operate subject to~~  
9 ~~the snow roof load maintenance program shall be obtained from~~  
10 ~~the enforcement agency~~. The approval of the snow load  
11 maintenance program and the make and serial number of the  
12 manufactured home installed pursuant to this paragraph shall be  
13 identified on the permit to operate.

14 (2) If the manufactured home does not have the capacity to  
15 resist the minimum snow loads established by local ordinance for  
16 residential buildings, the home may only be installed if it is  
17 protected by a ramada designed to resist the minimum snow  
18 loads for the region and constructed pursuant to this part and  
19 regulations adopted pursuant to this part. The plans and  
20 specifications for the construction of the ramada and the  
21 installation of the home shall be approved by the enforcement  
22 agency.

23 (3) If a manufactured home has the capacity to resist the  
24 minimum snow loads established by local ordinance for  
25 residential buildings, an approved snow load maintenance  
26 program or ramada is not required for that home.

27 (c) ~~This section shall remain in effect only until January 1,~~  
28 ~~2007, and as of that date is repealed, unless a later enacted~~  
29 ~~statute, that is enacted before January 1, 2007, deletes or extends~~  
30 ~~that date.~~ Before installing a manufactured home pursuant to  
31 paragraph (2) of subdivision (b), the operator of a park shall  
32 request and obtain approval from the enforcement agency of its  
33 existing or proposed snow roof load maintenance program. The  
34 enforcement agency's approval shall be based on relevant  
35 factors identified in the regulations of the department and shall  
36 include, but not be limited to, the types of maintenance to be used  
37 to control or remove snow accumulation and the capacity and  
38 capability of personnel and equipment proposed to satisfactorily  
39 perform the snow roof load program. The request for approval  
40 shall specify the type of maintenance to be used to control snow

1 *accumulation and shall demonstrate the capacity and capability*  
2 *of necessary personnel or its equivalent to satisfactorily perform*  
3 *the snow roof load maintenance program.*

4 *(d) Notwithstanding Section 1433 of Title 25 of the California*  
5 *Code of Regulations, a cabana may be installed in a park above*  
6 *5,000 feet in elevation only if it has the capacity to resist the*  
7 *minimum snow load requirements established by local ordinance*  
8 *for residential buildings.*

9 SEC. 2. Section 18552 of the Health and Safety Code, as  
10 added by Section 4 of Chapter 622 of the Statutes of 2004, is  
11 repealed.

12 ~~18552. (a) The department shall adopt and submit building~~  
13 ~~standards for approval pursuant to Chapter 4 (commencing with~~  
14 ~~Section 18935) of Part 2.5, and the department shall adopt other~~  
15 ~~regulations for manufactured home or mobilehome accessory~~  
16 ~~buildings or structures. The regulations adopted by the~~  
17 ~~department shall provide for the construction, location, and use~~  
18 ~~of manufactured home or mobilehome accessory buildings or~~  
19 ~~structures to protect the health and safety of the occupants and~~  
20 ~~the public, and shall be enforced by the appropriate enforcement~~  
21 ~~agency.~~

22 ~~(b) This section shall become operative on January 1, 2007.~~

23 SEC. 3. (a) It is the intent of the Legislature in enacting  
24 Section 1 of this act to require the revision of changes that relate  
25 to minimum roof live load requirements for manufactured  
26 housing units installed at elevations above 5,000 feet in Sections  
27 1338 and 1433 of Title 25 of the California Code of Regulations,  
28 and for which a certificate of compliance was filed on July 7,  
29 2004, in order to conform with this act.

30 (b) It is the intent of the Legislature that the regulations  
31 adopted by the Department of Housing and Community  
32 Development to implement and interpret the changes enacted in  
33 Section 1 of this act be deemed to be editorial changes pursuant  
34 to the Administrative Procedure Act (Chapter 3.5 (commencing  
35 with Section 11340) of the Government Code), if they are  
36 amendments, repeals, or adoptions that are substantially the same  
37 in content as the provisions of Section 1 of this act.

38 SEC. 4. This act is an urgency statute necessary for the  
39 immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go  
2 into immediate effect. The facts constituting the necessity are:  
3 In order to ensure that existing laws and regulations in the  
4 Mobilehome Parks Act governing the installation of  
5 manufactured homes and cabanas in mobilehome parks over  
6 5,000 feet in elevation continue to provide both safe and  
7 affordable housing opportunities, it is necessary that this act take  
8 effect immediately.

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